

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ROSEDALE UNION ELEMENTARY
SCHOOL DISTRICT and KERN COUNTY
SUPERINTENDENT OF SCHOOLS,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020979

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On April 3, 2015, Parent on Behalf of Student filed a second request for continuance and Parent an addendum to her request on April 6, 2015. Student requested mediation any date beyond April 7, 2015 and was “agreeable to OAH setting any dates preferable 30 days out.” District filed a Statement of Non-Opposition and agreed there was good cause for Parent’s second request for continuance. District requests mediation on April 30, 2015, a prehearing conference on May 15, 2015, and a due process hearing beginning May 26, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party’s excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed Parent’s unopposed request, the reasons therefore and the addendum and finds good cause to grant Parent’s request for a second continuance of

District's case. The dates requested by District are reasonable and consistent with Parent's request. Accordingly, the request is granted. All dates are vacated. This matter will be set as follows:

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| Mediation: | April 30, 2015, at 9:30 a.m. |
| Prehearing Conference: | May 15, 2015, at 3:00 p.m. |
| Due Process Hearing: | May 26, and 27, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Due to the national holiday on May 25, 2015, the hearing shall begin at 1:30 p.m. on the first day and at 9:00 a.m. on all other days. |

IT IS SO ORDERED.

DATE: April 08, 2015

/s/
MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings